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Joint Committee on Agriculture, Food and the Marine
Compliance with the Nitrates Directive: Implications for Ireland
August 2024

Membership

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Cathaoirleach's Foreword



In January 2024, Ireland's derogation in the context of the Nitrates Directive dropped from a limit of livestock manure up to 250 kilogrammes of nitrogen per hectare, per year, to a limit of 220 kilogrammes of nitrogen per hectare, per year, which brought about severe economic and social impacts for the agriculture sector.

In response to this change, the Joint Committee on Agriculture, and the Marine, in January 2024, agreed that it wished to examine the further potential economic and social impacts that may arise for the agriculture sector as a result of the loss of or a further decrease to Ireland's derogation in the context of the Nitrates Directive, with a view to illustrating why the limit of 220 kilogrammes of nitrogen per hectare, per year, at a minimum, should be maintained.

To fully explore this topic, the Committee agreed that it would set out to address a series of six questions, the answers to which, on the part of stakeholders, form the basis of this report. The Committee met with witnesses on this topic sporadically during the period February 2024 – July 2024.

The Committee strongly believes that Ireland's current derogation in the context of the Nitrates Directive needs to be maintained, to protect, among others, farmers, those involved in the dairy processing industry, and rural communities, from further catastrophic economic and social impacts.

While accepting that the Nitrates Directive has the aim of reducing water pollution caused or induced by nitrates from agricultural sources, as part of the overall objective of the Water Framework Directive to protect inland surface waters, transitional waters, coastal waters and groundwater, the Committee does not believe that this should be done in such a way as to potentially decimate the dairy industry and the wider agriculture sector.

The Committee would like to express its sincere gratitude to all the witnesses that provided evidence to the Committee from February 2024 – July 2024.

The Committee believes that this report provides a clear illustration as to why it is imperative that Ireland's current Nitrates Derogation is maintained.

Jackie Cahill

Jackie Cahill T.D.,

Cathaoirleach,

Joint Committee on Agriculture, Food and the Marine

16 August 2024

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1. Current Policy Context

Directive 2000/60/EC of the European Parliament and of the Council (the “Water Framework Directive”) was introduced in October 2000. The stated purpose of the Water Framework Directive is to “establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater”¹ throughout the European Union.

The Water Framework Directive requires European Union Member States to achieve both “good surface water status”,² in respect of surface waters, and “good groundwater status”³ in respect of groundwater, in their respective jurisdictions by 2027.⁴ The Committee notes that in the context of the Water Framework Directive, “good surface water status” means the status achieved by a surface water body when both its ecological status and its chemical status are at least “good”.⁵

Article 3 of the Water Framework Directive requires each European Union Member State to categorise all the water bodies within its jurisdiction into “river basin districts”, for the purposes of the Water Framework Directive.⁶ Furthermore, Article 13 of the Water Framework Directive requires that each European Union Member State “shall ensure that a river basin management plan is produced for each river basin district lying entirely within their territory”.⁷

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (also known as the “[Water Framework Directive](#)”), 22 December 2000, Article 1.

² *ibid*, Article 4 1.(a)(ii).

³ *ibid*, Article 4 1.(b)(ii).

⁴ The original deadlines for the achievement of “good surface water status” and “good groundwater status” were 15 years from the date of entry into force of the Water Framework Directive, pursuant to Articles 4 1.(a)(ii) and Articles 4 1.(b)(ii), respectively, i.e. December 2015. However, the Water Framework Directive allows for the extension of these deadlines until December 2027, at the very latest, pursuant to Article 4 4.(c).

⁵ *ibid*, Article 2 18.

⁶ *ibid*, Article 3 1.

⁷ *ibid*, Article 13 1.

In Ireland, this categorisation of water bodies for the purposes of the Water Framework Directive is detailed in the Government's *Draft River Basin Management Plan for Ireland 2022 – 2027*. According to this draft plan:

Ireland's river basin management planning process is based on a single national River Basin District. This covers an area of 70,273 km² and is broken down into 46 catchment management units. The 46 catchment management units have been broken down further into 583 sub-catchments. These 583 sub-catchments contain a total of 4,842 waterbodies, ranging from 3 to 15 waterbodies in each sub-catchment.⁸

The summary report of the Environmental Protection Agency (the "EPA") entitled "Water Quality in Ireland 2016 – 2021", published in 2022, illustrates the following:

This assessment shows that over half (54%) of our surface waters are in good or better ecological status which means that nearly half (46%) are in unsatisfactory condition. Overall, our water quality has declined. The number of water bodies in satisfactory condition in our estuaries and coastal waters has declined by almost 16 percent and 10 percent respectively since the last assessment (2013-2018). There has also been a relatively small decline in the water quality of our rivers and lakes.⁹

The EPA confirmed to the Committee that Ireland is unlikely to achieve its legally binding water quality objectives, pursuant to the Water Framework Directive, by 2027.¹⁰

⁸ Government of Ireland, [Draft River Basin Management Plan for Ireland 2022 – 2027](#), p. 14.

⁹ Environmental Protection Agency, [Summary Report: Water Quality in Ireland 2016- 2021](#), 2022, p. 4.

¹⁰ Environmental Protection Agency, [Opening Statement - Compliance with the Nitrates Directive: Implications for Ireland](#), 10 July 2024, p. 2.

Council Directive 91/676/EEC (the “Nitrates Directive”) was introduced in December 1991, and is explicitly listed within the Water Framework Directive as being an ancillary piece of legislation. The stated objective of the Nitrates Directive is to reduce “water pollution caused or induced by nitrates from agricultural sources” and to prevent “further such pollution”.¹¹

In practice, this means each farm or livestock unit within a European Union Member State is required to limit the amount of livestock manure applied to the land each year, including by the animals themselves, to 170 kilogrammes of nitrogen per hectare (“170 kg N”).¹²

The Nitrates Directive mandates European Union Member States to prepare action programmes in order to achieve the above-stated objective of the Nitrates Directive.¹³ Ireland’s action programme in this regard is known as the “Nitrates Action Programme”, and its present iteration is known as the “Fifth Nitrates Action Programme” (hereinafter referred to as the “Nitrates Action Programme”).¹⁴ Ireland’s Nitrates Action Programme is given legal effect by *Statutory Instrument No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022* (also known as, and hereinafter referred to as, the “GAP Regulations”).¹⁵

According to the Department of Agriculture, Food and the Marine (“DAFM”), the principal elements of the Nitrates Action Programme include:

- limits on farm stocking rates;
- legal maxima for nitrogen and phosphorus application rates;
- prohibited spreading periods preventing the application of organic and chemical fertilisers during more environmentally vulnerable times of the year;

¹¹ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (also known as the “[Nitrates Directive](#)”), 31 December 1991, Article 1.

¹² *ibid*, Annex III, Article 2.

¹³ *ibid*, Article 5.

¹⁴ Government of Ireland, [Fifth Nitrates Action Programme 2022-2025](#).

¹⁵ S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (also known as the “[GAP Regulations](#)”), 11 March 2022.

- minimum storage requirements for livestock manures;
- requirements regarding maintenance of green cover in tillage lands; and
- set-back distances from waters.¹⁶

The Committee notes that from 01 January 2023, the GAP Regulations introduced new livestock excretion rates for dairy cows.¹⁷ According to DAFM, this was required as “the EU Commission have raised issues with Ireland’s approach of a single organic output figure and have requested Ireland to evaluate allocating an excretion factor to the dairy cow based on milk yield.”¹⁸ Accordingly, from 01 January 2023, in the context of the Nitrates Action Programme, Ireland moved from having a single organic output figure of 89kg/ha N per dairy cow to having dairy cows classified in different organic output bands, as follows:¹⁹

Bands	Milk yields	Excretion rate
Band 1	<4,500kg of milk yield per annum	80kg organic N/ha/cow
Band 2	4,501-6,500kg of milk yield per annum	92kg organic N/ha/cow
Band 3	>6,500kg of milk yield per annum	106kg organic N/ha/cow

The Committee further notes that the process of introducing Bands 1, 2 and 3, as outlined above, is commonly referred to as “banding”.

Furthermore, Annex III of the Nitrates Directive provides that Member States may fix different amounts than 170 kg N, provided that to do so would not prejudice the achievement of the objective of the Nitrates Directive, and provided further that such a deviation can be justified based on objective criteria, as follows:

¹⁶ Government of Ireland, [An Overview of Ireland’s Fifth Nitrates Action Programme](#), pp. 5-6.

¹⁷ The [GAP Regulations](#), 11 March 2022, Table 6.

¹⁸ Government of Ireland, [An Overview of Ireland’s Fifth Nitrates Action Programme](#), p. 26.

¹⁹ The [GAP Regulations](#), 11 March 2022, Explanatory Note.

- Long growing seasons;
- Crops with high nitrogen uptake;
- High net precipitation in the vulnerable zone; and
- Soils with exceptionally high denitrification capacity.²⁰

If a Member State wishes to fix a different amount than 170 kg N, the Member State must inform the European Commission, at which point the European Commission will examine the justification for the Member State deviating from 170 kg N, in accordance with Article 9 of the Nitrates Directive.

Pursuant to Article 9 of the Nitrates Directive, the decision as to whether to grant a Member State permission to deviate from 170 kg N (commonly known as a “derogation”) is taken by the Directorate-General Environment of the European Commission (“DG Environment”), with assistance from a committee composed of representatives from each Member State (also known as the “Nitrates Committee”).²¹ A representative of DG Environment typically chairs meetings of the Nitrates Committee, while Ireland is generally represented by both the Department of Agriculture, Food and Marine and the Department of Housing, Local Government and Heritage at meetings of the Nitrates Committee.²²

In practice, DG Environment prepares a draft of measures to be taken by the relevant Member State to justify granting a derogation, and the representatives of Member States on the Nitrates Committee then vote, using Qualified Majority Voting,²³ as to whether the derogation should be granted to the relevant Member State based on the draft measures presented. If the Nitrates Committee votes in favour of granting a derogation to a Member State, the European Commission then reflects this in an Implementing Decision.

²⁰ The [Nitrates Directive](#), 31 December 1991, Annex III, Article 2(b).

²¹ The [Nitrates Directive](#), 31 December 1991, Article 9 1.

²² [Committee for the adaptation to scientific and technical progress and implementation of the directive on protection of waters against pollution caused by nitrates from agricultural sources.](#)

²³ [Qualified Majority Voting.](#)

In 2007, Ireland availed of a derogation allowing for the application of livestock manure up to a limit of 250 kilogrammes of nitrogen per hectare, per year (“250 kg N”).²⁴ Ireland’s derogation in this regard was renewed in 2011, 2014, 2018 and 2022.²⁵

In its Implementing Decision of 29 April 2022 allowing for the renewal of Ireland’s derogation, the European Commission stated the following:

*...the Commission considers that the amount of manure proposed by Ireland, corresponding to 250 kg nitrogen/ha per year, will not prejudice the achievement of the objectives set out in Directive 91/676/EEC, subject to certain strict conditions that should apply to farmers covered by authorisation.*²⁶

However, the European Commission also stated the following:

*In 2023, the Irish authorities should carry out a two-year review of water quality, including nitrate concentration and trophic status. In areas where monitoring data reveal either worsening trends or a situation of pollution or risk of pollution as regards nitrate concentrations or eutrophication, from 2024, the maximum amount of manure applicable that may be applied should be reduced...*²⁷

In June 2023, the EPA, the authority responsible for monitoring water quality in Ireland, published its interim review of water quality as specified by the European Commission in its Implementing Decision (EU) 2022/696, as a condition of Ireland’s derogation under the Nitrates Directive. In its report, the EPA stated:

²⁴ [Commission Implementing Decision \(EU\) 2022/696](#) of 29 April 2022 granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources, 29 April 2022, (3).

²⁵ *ibid*, (4), (5), (6) and Article 1.

²⁶ [Commission Implementing Decision \(EU\) 2022/696](#), 29 April 2022, (16).

²⁷ *ibid*, (20).

The latest EPA Water Quality in Ireland report (EPA, 2022), covering the period 2016-2021, found that only 54% of our surface waters were in satisfactory ecological health, and that overall water quality is in decline. The picture for our estuaries is even more stark with only 36% in satisfactory ecological condition. The assessment indicated that the main problem impacting our waters was the presence of too much phosphorus and nitrogen, leading to increased eutrophication in these waters.

The data in this report shows that nitrate concentrations remain too high in rivers, groundwater, and estuaries in the south east, south west and midlands & eastern regions. Nationally, although there have been year on year fluctuations, average nitrate concentrations have increased since 2012/2013 in all waterbody types.²⁸

Given that the findings of the EPA's report indicated that overall water quality was declining, Ireland's derogation was revised downwards, allowing for the application of livestock manure up to a limit of 220 kilogrammes of nitrogen per hectare, per year in areas where water quality was poor or not improving.

This new limit came into force on 01 January 2024.

²⁸ Environmental Protection Agency, [Water quality monitoring report on nitrogen and phosphorus concentrations in Irish waters 2022](#), 2023, p. 2.

2. Introduction

In January 2024, the Joint Committee on Agriculture, Food and the Marine (the “Committee”) agreed that it wished to examine the potential economic and social impacts that may arise for the agriculture sector as a result of the loss of or a further decrease to Ireland’s derogation in the context of the Nitrates Directive (hereinafter referred to as the “Nitrates Derogation”).

The Committee, through its examination of this topic, and based on the information contained within this report, hopes to illustrate the reasons as to why Ireland’s current Nitrates Derogation should remain in place, due to the potential economic and social effects a further reduction may have on the agriculture sector.

To fully explore this topic, the Committee agreed that it would set out to address a series of questions, as follows:

1. Is it possible to maintain the Nitrates Derogation at its current level, while ensuring that there are improvements to Ireland’s water quality?
2. What are the anticipated economic effects for the agriculture sector that would result from a further decrease to the Nitrates Derogation?
3. What are the anticipated social effects for the agriculture sector that would result from a further decrease to the Nitrates Derogation?
4. Is the Nitrates Action Programme fit for purpose in protecting Ireland’s water quality?
5. Are there additional supports required to ensure that farmers can be compliant with the Nitrates Action Programme?
6. Are there additional resources required to ensure the measures required by the Nitrates Action Programme are adequately enforced?

The Committee’s examination of each of these questions with the relevant stakeholders is set out in the body of this report, with each question receiving a dedicated chapter in this report. The final chapter of this report will include the

conclusions of the Committee in relation to this topic and will also include recommendations.

3. Is it possible to maintain the Nitrates Derogation at its current level, while ensuring that there are improvements to Ireland's water quality?

The Committee heard a variety of opinions from stakeholders as to whether it is possible to maintain the Nitrates Derogation at its current level, while ensuring that there are improvements to Ireland's water quality.

For instance, Teagasc, in its evidence to the Committee, indicated that it will be possible to maintain the Nitrates Derogation and improve water quality, while also acknowledging that while “there are waters in the country that must be improved, the overall water quality in Ireland is relatively good compared to other EU countries - over half (54%) of surface water bodies have satisfactory (good or high) ecological status.”²⁹

According to Teagasc, some of the current challenges include:

1. *Allowing sufficient time for new measures to show improvements in water quality (a total of 39 individual measures were transposed into NAP (Nitrates Action Plan) Statutory Instruments in the 4 years since 2020); and*
2. *Having sufficient slurry storage on farms so that farmers can maximise its nutrient use efficiency and reduce its impact on water quality.*³⁰

In this regard, Teagasc concluded as follows:

Some of the main criteria for Ireland receiving a derogation were our long growing season, high percentage of grassland, and high potential for N uptake annually. Despite some evolution of farming systems in Ireland over the past two decades, the core success of these

²⁹ Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, pp. 1-2.

³⁰ *ibid*, p. 2.

production systems is still their capacity to utilise high levels of grass produced over a long growing season by grazing animals. Therefore, the fundamental basis underpinning Ireland's justification for a derogation remains in place.³¹

The Irish Farmers' Association (the "IFA") agreed with Teagasc, in that water quality can be improved while maintaining the current Nitrates Derogation, and informed the Committee that:

Despite the narrative that is out there, the impact of stocking rate on nitrates loss is not proportionate to the load of nitrogen applied to the land. Factors such as soil type, hydromorphology and weather play a significant role in the rate of nitrates loss from our farms in addition to the source load of N. Teagasc research has shown that a stocking rate reduction to 220 kg N/ha would only reduce N loss to 1 m by approximately 4 kg/ha - a minimal reduction when we consider that the influence of year, such as bad weather patterns, can impact nitrogen loss by a lot more. Tailoring management practices to the specific needs of a local catchment as demonstrated in the agricultural sustainability support and advisory programme, ASSAP, is much more beneficial for water quality than blanket regulatory changes to stocking rate.³²

The Irish Creamery Milk Suppliers Association (the "ICMSA") further agreed that water quality can improve while maintaining the current Nitrates Derogation. The ICMSA stated the following to the Committee:

³¹ Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 2.

³² Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024.

The third question was whether we can maintain the derogation and also improve water quality. The answer is, “Absolutely”. The Teagasc modelling has shown the cut from 250 kg N/ha down to 220 kg N/ha has had minimal effect on nitrogen leaching, so what is the purpose? Is this a water quality issue or not? If we look at the agricultural catchments programme work it has carried out over the past 14 years, it shows loading, which is the animal numbers per hectare, has one of the lesser implications as regards nitrogen leaching. Hydromorphology, soil type and weather events are far more relevant to nitrogen leaching than cattle numbers on a farm, so we really need to look at whether we are putting the most effective measures in place. If we look at the results from the Timoleague catchment, animal numbers have increased yet the water quality has also increased in that situation.³³

The Irish Co-operative Organisation Society (“ICOS”) indicated to the Committee that it is confident that Ireland can retain its Nitrates Derogation at its current level, while also ensuring that there are improvements to Ireland’s water quality. Furthermore, ICOS stated that while “there is no denying the challenges regarding water quality, as a grass-based country, we satisfy the main conditions required to secure a derogation under EU law, which includes criteria such as a long grazing season, crops with a high nitrogen requirement and denitrifying soils.”³⁴

Furthermore, ICOS stated the following in respect of livestock numbers and fertiliser sales:

...most recent trends in livestock numbers and fertiliser sales indicate notable changes, which we would expect the European Commission

³³ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024.

³⁴ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 7.

to recognise during the next negotiations, given they were identified as significant factors during the previous negotiations.

For example, dairy cow numbers increased by +24.5% between 2015-2023. However, growth in dairy cow numbers has decelerated in recent years, increasing by +1.5% between 2021 and 2023, with dairy cow numbers increasing by +0.6% in 2023 compared to 2022. Total cattle numbers have decreased by 70,000 head since 2021, contributing to lower GHG levels in our national inventory.

In terms of fertiliser usage, total fertiliser sales in 2023 fell by -18% to 1,135,860 tonnes compared to 2022. This marks a -33% reduction in fertiliser sales since 2021. Nitrogen sales reduced by -18%, which represents a -30% decrease since 2021.³⁵

In this regard, the Agricultural Consultants Association (the “ACA”) informed the Committee that it believes that improving water quality in Ireland will require all stakeholders to work together, with a common goal of improving water quality. The ACA also informed the Committee that while “agriculture is seen as the most significant pressure, other sectors, industry, local authorities and domestic waste waters are also affecting the quality of our waters.”³⁶ The ACA concluded in this regard by informing the Committee that “even if all farmers were to comply fully with all of the current regulations, scientific experts recognise that it could take up to 10 years to see any significant improvements in water quality.”³⁷

³⁵ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, pp. 8-9.

³⁶ The Agricultural Consultants Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 1.

³⁷ *ibid*, p. 2.

DAFM also indicated to the Committee that water quality can improve while maintaining the current Nitrates Derogation, but that it “will require all stakeholders to work together to deliver on improving water quality nationally”.³⁸

Inland Fisheries Ireland (“IFI”) indicated to the Committee that in order to retain the current Nitrates Derogation, while also improving water quality, significant investment would be required in “targeted measures including storage infrastructure and capacity combined with detailed Nutrient Management Planning, which should clearly demonstrate a nutrient balance on lands whether on the farm of origin or the lands where organic fertiliser is to be exported.”³⁹ IFI also informed the Committee that it is essential that there is an increase in advice provided to farmers in relation to water quality as well as increased compliance and enforcement activity in respect of the requirements of the Nitrates Action Programme.⁴⁰

The Department of Housing, Local Government and Heritage (“DHLGH”) stated the following to the Committee in this regard:

Therefore, in response to Question 3, on the possibility of maintaining Ireland’s Nitrates Derogation at its current level while improving water quality, we feel that this is significantly more likely if full compliance with the GAP Regulations is achieved. However, we must face the reality that a significant reduction in nitrogen loads being lost to water in the Catchments of Concern identified by the EPA will be necessary to resolve eutrophication problems in their receiving coastal waters. It is our view that farm advisory services and agri-industry will be essential in supporting farmers to achieve compliance with the

³⁸ The Department of Agriculture, Food and the Marine, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 2.

³⁹ Inland Fisheries Ireland, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 20 March 2024, p. 3.

⁴⁰ *ibid*, p. 3.

*regulations. Their advice on reducing nitrogen loads will also be essential.*⁴¹

An Taisce provided a different viewpoint to the Committee. According to An Taisce:

*However, we are of the view that the safeguards in place under the NAP and GAP regulations are not sufficient for protecting water quality from agricultural activity, particularly nitrate pollution, and that is currently exacerbated with increased stocking density on derogation farms, among others. This is clearly evidenced in the Strategic Environmental Assessment (SEA) for the Nitrates Action Programme which states that over the period of the past two NAPs, the prescribed measures have failed to sufficiently protect water quality from agricultural activity.*⁴²

Coastwatch also indicated to the Committee that it did not believe that it would be possible to improve water quality while retaining the Nitrates Derogation at its current level.⁴³

⁴¹ The Department of Housing, Local Government and Heritage, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 20 March 2024, pp. 1-2.

⁴² An Taisce, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 21 February 2024, p. 2.

⁴³ Coastwatch, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 21 February 2024, p. 1.

4. What are the anticipated economic effects for the agriculture sector that would result from a further decrease to the Nitrates Derogation?

The Committee, during its examination of this topic, heard from various stakeholders as to the anticipated economic effects for the agriculture sector that would result from a further decrease to the Nitrates Derogation, and each individual issue is discussed in further detail below.

4.1. Income Losses

The IFA informed the Committee, according to its estimates, that “the removal of the derogation entirely would reduce dairy income for the impacted farmers by an average of up to €23,000/annum; a huge drop given that the average dairy family farm income for the last 5 years was about €87,000/annum.”⁴⁴

The ICMSA, with particular reference to farmers with smaller holdings, informed the Committee that “a reduction to 170kgs of N would be an absolute disaster for the individual farmers concerned with a reduction in herd size of up to 57% and the wider agriculture sector.”⁴⁵ In consideration of this information, the ICMSA proceeded to state that “it is clear that the average farm unit would no longer be able to generate a viable income, completing undermining Ireland’s model of family farms”.⁴⁶

ICOS stated to the Committee that it had engaged Mr. Michael Wallace, Professor of Agriculture and Food Economics, School of Agriculture and Food Science, University College Dublin, to assist with its submission to the Committee. According to Professor Wallace’s analysis, a significant reduction in farm profitability would arise from a further reduction to the Nitrates Derogation, to the point that “a dairy farm in Band 3 could see

⁴⁴ The Irish Farmers’ Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 1.

⁴⁵ The Irish Creamery Milk Suppliers’ Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 2.

⁴⁶ *ibid*, p. 3

reduction in net margin of -56% or €983/ha”.⁴⁷ Furthermore, ICOS stated that the “impact will be very similar for an efficient dairy farm in band 2. ICOS estimates that a typical 94 cow dairy farm producing 500,000 of milk in band 2 will have to reduce their cow numbers by -34% to comply with a maximum stocking rate of 170kg/N/ha.”⁴⁸

In February 2023, Teagasc published its report on “The Impact of Nitrogen Management Strategies within Grass Based Dairy Systems”.⁴⁹ According to Teagasc, this report indicates that, without mitigation, farm profitability would be reduced by up to 29% (approximately €700 per hectare) on Band 3 farms due to the combined effects of the introduction of banding and a reduction to the Nitrates Derogation. As Teagasc indicated to the Committee, this report did not analyse the impacts of reducing stocking rates below its current level, but “it is clear that further reductions in maximum stocking rates would further significantly reduce farm profitability”.⁵⁰

4.2. Job Losses

In respect of potential job losses, the ICMSA stated the following:

*With 7,000 dairy farmers out of a total of 17,000 in derogation and it is likely that this number will grow in light of cow banding and a small level of expansion, our dairy processing units employing over 5,600 people directly will come under sever pressure, the majority of which are based in locations that have limited alternative employment opportunities. If milk output declines, it is inevitable that milk processing plants will close.*⁵¹

⁴⁷ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 3.

⁴⁸ *Ibid*, p. 4.

⁴⁹ Teagasc, [The Impact of Nitrogen Management Strategies within Grass Based Dairy Systems](#), 08 March 2023.

⁵⁰ Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 1.

⁵¹ The Irish Creamery Milk Suppliers’ Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 3.

Furthermore, the IFA indicated to the Committee that it estimates that the loss of the Nitrates Derogation could result in more than 1,100 job losses.⁵²

In its submission to the Committee, ICOS stated the following:

...the total output of the dairy industry in the Irish economy equated to €17.6 billion in 2022. This created €4.3 billion in Gross Value Added (GVA) and the sector supported 54,000 FTE jobs (2.1% of national employment) in 2022. Furthermore, Irish dairy exports were valued at €6.3 billion in 2023 according to Bord Bia. A further reduction in the maximum stocking rate will place in jeopardy the sustainable employment, investment and valuable exports generated by the Irish dairy sector.⁵³

4.3. Impacts on the Irish Economy

Dairy Industry Ireland (“DII”) brought to the attention of the Committee a report which was commissioned from Ernst and Young by DII, and which is entitled “Economic contribution of the dairy processing industry to the Irish economy and the processor’s forecasts to 2030”.⁵⁴ The Committee notes that, according to this report, the total impact of the dairy industry in 2022 to the Irish economy was €17.6 billion.⁵⁵

Separately, ICOS apprised the Committee of an economic impact assessment which was undertaken jointly by KPMG and the Irish Farmers Journal, and which was published in October 2021.⁵⁶ While the Committee accepts that this economic assessment was in relation to Ireland’s 2030 Carbon Emissions Targets, and not

⁵² Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024.

⁵³ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 3.

⁵⁴ Ernst and Young, [Economic contribution of the dairy processing industry to the Irish economy and the processor’s forecasts to 2030](#), 2023 October 2023.

⁵⁵ *ibid*, p. 5.

⁵⁶ KPMG, [Ireland’s 2030 Carbon Emissions Targets – An Economic Impact Assessment for the Agriculture Sector](#), October 2021.

specifically relating to the Nitrates Derogation, the Committee heard the following from ICOS:

We would like to draw the Joint Committee's attention to the KPMG/Irish Farmers Journal economic impact assessment from October 2021 in relation to the establishment of Ireland's 2030 climate targets. This important study included scenarios that are relevant in the context of a further reduction to the Nitrates Derogation. For example, the study estimates the impact of an -18% reduction in livestock from the dairy herd under scenario 3. ICOS estimates the reduction in the Nitrates Derogation to 170kg/N/ha would fall into a comparable range in terms of reduced livestock numbers, resulting in very drastic implications.

The KPMG/Irish Farmers Journal study concluded that under Scenario 3 (-18% in the dairy herd) the combined impact for dairy farms and processors would be a reduction in economic output of €1.7 billion.⁵⁷

4.4. Impacts on the Land Market

The ACA shared its concerns with the Committee with respect to the land market. The ACA informed the Committee that the land rental market is already heated, before considering the additional pressures of land being set aside for nature restoration, forestry, and renewable energy uses. According to the ACA, removing the Nitrates Derogation will force farmers to rent additional lands to maintain their cow numbers, which will, in turn, displace tillage and beef farmers.⁵⁸

The ICMSA informed the Committee that the impacts of the loss of the Nitrates Derogation would not only be on the dairy sector, as land availability and competition

⁵⁷ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 6.

⁵⁸ The Agricultural Consultants Association, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 2.

for land would put severe pressure on other sectors and may even undermine the Government's commitments in respect of land use.⁵⁹

In respect of the land market, the IFA indicated the following to the Committee:

Some mistakenly think this is only a dairy issue. In reality, any changes to the derogation impact all land-based sectors given the hugely disruptive impact it has on the land market. Drystock and tillage farmers as well as smaller dairy farmers are now being outcompeted in the land market by larger dairy farmers, who can justify paying a higher price for land rental to try to maintain their business at current levels. In the cases where drystock and tillage farmers do manage to retain rented or leased land, this is generally coming at a higher cost.⁶⁰

ICOS echoed these sentiments, in that it believes that the introduction of banding and the reduction of the maximum stocking rate has already increased pressure on the land market. ICOS informed the Committee that the “pressures on the land market will worsen in the event of another reduction in the nitrates derogation”.⁶¹

DAFM and Teagasc also both acknowledged that a reduction to or removal of the Nitrates Derogation will likely lead to increased competition for land.⁶²

4.5. Threat to Ireland's Grass-Based System

Many of the stakeholders who engaged with the Committee raised the threat that a reduction or loss of the Nitrates Derogation will pose to Ireland's grass-based feeding system. The potential impact in this regard was summarised by ICOS, as follows:

⁵⁹ The Irish Creamery Milk Suppliers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 3.

⁶⁰ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024.

⁶¹ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024.

⁶² Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024.

Pasture based systems confer a number of advantages including lower GHG emissions per unit of output, landscape diversity, rich biodiversity, animal welfare advantages, soil organic carbon, feed self-sufficiency and manure recycling. To underline the importance of Ireland's pasture-based system, Bord Bia developed a Grass Fed Standard for Irish dairy in response to market needs and provides a way for Irish dairy processors to make a verified claim that their product has been sourced from Irish grass-fed cows. In addition, in November 2023, Minister McConalogue, announced that the application for an all-island Protected Geographical Indication (PGI) for Irish Grass Fed Beef has successfully concluded with the EU, which recognises the exceptional quality and sustainability of our pasture-based production system...

...ICOS is very concerned that a further reduction to the derogation will drive farmers to a more global, indoor type of dairy production, with unfavourable economic, social and environmental consequences.⁶³

The ICMSA confirmed to the Committee that Ireland's milk comes "from cows that spend on average 240 days at grass and 95% of their diet is from grass, which is unique from an EU perspective."⁶⁴ Furthermore, the ICMSA informed the Committee that Ireland's competitive advantage and the reason Ireland produces the most sustainable beef and dairy in the world is Irish farmers' ability to grow grass, but that there is no point in farmers being in a position to grow such grass if they do not have the requisite levels of livestock to consume the grass.⁶⁵

⁶³ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 5.

⁶⁴ The Irish Creamery Milk Suppliers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 1.

⁶⁵ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024

The Irish Cattle and Sheep Farmers' Association (the "ICSA") indicated to the Committee that it is also concerned as to the effects the removal of the Nitrates Derogation would have on Ireland's grass-based feeding system. The ICSA informed the Committee that the grass-fed Protected Geographical Indication ("PGI"), which was recently obtained by Ireland,⁶⁶ is a recognition that grass-based farming is a traditional and valuable system of farming which brings benefits in terms of animal welfare, nutrition and higher quality food for consumers, and the loss of the Nitrates Derogation would undermine the PGI and the benefits that it brings.⁶⁷

The IFA informed the Committee that it believed that one of the competitive advantages that Irish farmers had when Ireland entered the European Union was Ireland's grass-based feeding system. However, the IFA stated to the Committee that Ireland now has "the highest labour costs and the highest energy costs in Europe, and if we are going to be able to compete selling our product, we have to retain the advantage that our grass-based system gives us".⁶⁸

DII agreed that the Ireland's grass-based feeding system would be undermined by the removal of the Nitrates Derogation. DII informed the Committee that "Ireland's unique and economically competitive outdoor grass-based model of food production may be undermined, with a risk that Irish dairy would have to turn to intensive high-input systems like in peer economies in Europe".⁶⁹

⁶⁶ The Department of Agriculture, Food and the Marine, [Press Release](#): Minister McConalogue announces EU registration of Irish Grass Fed Beef as a Protected Geographical Indication, 29 November 2023.

⁶⁷ Irish Cattle and Sheep Farmers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 2.

⁶⁸ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024.

⁶⁹ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 29 May 2024.

5. What are the anticipated social effects for the agriculture sector that would result from a further decrease to the Nitrates Derogation?

The Committee heard from various stakeholders as to the anticipated social effects for the agriculture sector that would result from a further decrease to the Nitrates Derogation, and each individual issue raised is discussed in further detail below.

5.1. Effect on Rural Communities

The ICMSA informed the Committee of its concerns in this regard, as follows:

...a huge number of the smaller towns and villages are depending on farming. Charleville, County Cork or Ballyragget, County Kilkenny do not have Intel, Microsoft or any industry there. There is no other industry in those towns except farming and dairying and they are the economic drivers of those small towns. It would be catastrophic not only for the farmers in those areas but also the towns, villages and rural communities that are supported by the industry.⁷⁰

Teagasc concurred with the view of the ICMSA and stated to the Committee that “further cutting the maximum stocking rate would likely reduce national milk production and increase average milk processing costs in the processing sector. These farm level and processor effects would impact negatively on the competitiveness of the dairy sector, and on rural communities.”⁷¹

ICOS also informed the Committee that it is concerned as to the social effects a decrease to the Nitrates Derogation may have for rural communities, particularly “rural-based businesses such as local co-operative agri-retail stores”.⁷²

⁷⁰ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024

⁷¹ Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 1.

⁷² Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024.

5.2. Generational Renewal

Macra na Feirme outlined to the Committee the concerns it has regarding generational renewal in the context of the removal of or a decrease to the Nitrates Derogation. Macra ne Feirme informed the Committee that it believes that the participation of young farmers in the design of legislation relating to agriculture and the environment, including legislation relating to water quality, is required to ensure that the goals of that legislation are achieved and that “the importance of the Nitrates Derogation for young farmers is an issue that needs careful consideration in the context of Generational Renewal within the farming sector but also with respect to the development and sustainability of rural Ireland”.⁷³

The ICMSA indicated to the Committee that generational renewal is one of the main concerns regarding any prospective changes to the Nitrates Derogation, as all industries require a supply of young people to introduce new ideas and innovations. The ICMSA informed the Committee that it “is a challenge at present to encourage young people to consider farming as a career and imposing more restrictions under nitrates will further dis-incentivise people in looking at the sector for their career.”⁷⁴

ICOS outlined its concerns to the Committee in this regard, as follows:

An additional and legitimate concern is the impact a further reduction in the derogation will have on generational renewal. Unfortunately, huge question marks hang over the future of the next generation. This generation of farmers are well educated in relation to climate change, water quality and the environment. They are embracing new technologies and are willing to adopt to change. However, the

⁷³ Macra na Feirme, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 1.

⁷⁴ The Irish Creamery Milk Suppliers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 4.

constant change in policy is not allowing farm businesses time to deliver the improvements in water quality.⁷⁵

The ICOSA concurred with the views of other stakeholders in this regard, as follows:

A reduction to 170 would likely undermine the prospects for many young people who would question the economics of full-time farming.

The point is that the social fabric of rural Ireland is certainly threatened by the lack of young people wanting to farm. More and more inspections, complex rules, penalties and poor prospects for viable farming will only make this worse.⁷⁶

5.3. Potential Loss of Ireland's Family Farm Model

ICOS outlined to the Committee that it is apprehensive about the effects a reduction to, or a removal of the Nitrates Derogation could have for Ireland's family farm model. It stated:

We are deeply concerned about the social impact a further reduction to the derogation will have on the family farm model and the impact on smaller dairy farms is a particular worry.

Of the 2,150 farms directly affected by the reduction from 250 to 220, 40% of farms operate below 40ha in size. There are over 600 farms operating at less than 30ha in size affected by the current decision. A reduction in cow numbers on these farms will put into question their future viability. These are family farms which have been passed on from one generation to the next.⁷⁷

⁷⁵ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 8.

⁷⁶ Irish Cattle and Sheep Farmers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 2

⁷⁷ Irish Cooperative Organisation Society, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, pp. 7-8.

The ICOSA outlined to the Committee, in its view, that all “of this regulation being driven from Brussels and accepted in Dublin is making it harder and harder for the family farm model to survive.”⁷⁸

DII confirmed its view to the Committee that the “family farm model of food production may be undermined, in favour of farm consolidation as evident in parts of continental Europe.”⁷⁹

⁷⁸ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024.

⁷⁹ Dairy Industry Ireland, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 29 May 2024, p. 2.

6. Is the Nitrates Action Programme fit for purpose in protecting Ireland's water quality?

The Committee heard from various stakeholders as to whether Ireland's Nitrates Action Programme is fit for purpose in protecting Ireland's water quality, and each individual issue raised is discussed in further detail below.

6.1. Complexity

The ACA informed the Committee that it believes that the Nitrates Action Programme has become too complex and extremely difficult for farmers to comply with. In this regard, the ACA stated the following:

Farmers in derogation have to comply with 39 additional measures, in addition to the basic Code of Good Farm Practice regulations (GAEC with more regulations to be introduced in 2024, following the review of the NAP in 2023). Some of the current regulations will have little or any impact in improving water quality in Ireland.

Minor administration breaches of the derogation regulations today, will result in rejection of the derogation application, exclusion from derogation for two years and significant cumulative penalties across all support payments. From an advisory perspective, simple errors, in preparing derogation applications on behalf of our farmer clients can result in those clients being excluded from derogation for two years exposing our businesses and causing unnecessary stress for both our members and those farmer clients. The current derogation IT system needs a complete overhaul with dedicated funding to modernise it to ensure our members and farmers have trust in the system.⁸⁰

⁸⁰ The Agricultural Consultants Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 2.

The ICMSA concurred with the ACA and informed the Committee that the Nitrates Action Programme has “become too complex. There have been more than 50 more regulations enforced on derogation farmers on top of the normal regulations for farming. It is becoming unworkable and unmanageable.”⁸¹

In this regard, the IFA informed the Committee the “ambition of the NAP has accelerated in the last two reviews of the programme with farmers obliged to undertake up to an additional 30 measures on farms to protect water quality”.⁸²

6.2. Lag Times

In its evidence provided to the Committee, the EPA indicated to the Committee that the “lag time between nitrogen reduction measures and reduced nitrogen concentrations in water bodies can vary depending on the soil type and weather. However, if nitrogen reduction measures are implemented at scale and in the critical source areas where most leaching occurs, we would expect to see signs of improvements in nitrogen levels within six months to a year at a national level.”⁸³

In this regard, the IFA informed the Committee:

What the nitrates action programme and Government agencies fail to acknowledge is the realistic lag times that exist for these management practices to demonstrate improvements in water quality. The mitigation of nitrates loss to water can vary from seconds to decades upon the application of a new management practice. Work needs to be carried out to outline estimated lag times in our most vulnerable catchments. It also must be considered that the expansion in the dairy herd in the past ten years has not resulted in a proportionate decline

⁸¹ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024.

⁸² The Irish Farmers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 4.

⁸³ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 10 July 2024.

in water quality. In fact, at national level water quality trends show minimal increases in nitrates, similar to what would be expected in year-to-year variation alone.⁸⁴

DAFM acknowledged that there are lag times inherent in the system as it pertains to the retention of Ireland's Nitrates Derogation, as follows:

In terms of water quality improving, there will be a lag time. There will be a lag time between when a practice changes at farm level and we see a change in the nutrient concentration in water and then there will be a further lag time between that decline in the nutrient concentration and when we see improving ecological status. Then there will possibly be a lag time before that is picked up in terms of monitoring as well.⁸⁵

6.3. Catchment-by-Catchment Assessment and Supplementary Measures

The ICMSA highlighted one of its issues with the Nitrates Action Programme was that it is not done on catchment-by-catchment basis. In this regard, the ICMSA stated the following:

What we really need is a catchment-by-catchment assessment to see what issues are causing the problems in each catchment and to address those specific problems in each catchment. There is no point in having blanket enforcement or rules across the whole country if those rules are not relevant to the catchment and if the issue that those rules are meant to sort out is not affecting the catchment. We need

⁸⁴ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024.

⁸⁵ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024

catchment-by-catchment assessment and we need to address the specific problems within those catchments with relevant rules.⁸⁶

Teagasc agreed that a more targeted approach at catchment level is required. Teagasc stated the following to the Committee in this regard:

There now needs to be a greater focus on engagement of all farmers and key stakeholders at catchment level to raise awareness and apply targeted measures to reduce nutrient losses to water. Targeted measures are needed because Ireland's landscape is heterogeneous in terms of factors controlling N and P transfer pathways, and weather, soil type, and hydromorphology have a big impact on nutrient loss to water.⁸⁷

An Taisce, which the Committee notes is strongly of the opinion that the Nitrates Action Programme is not sufficient for protecting water quality, also agrees that a catchment-based approach to improving water quality is required. An Taisce stated the following:

While many of the measures in the NAP are welcome, and will be beneficial for preventing phosphorus and sediment run off, the problem Irish waterways face in the south and south-east is predominantly nitrate pollution. We are of the view that until such a time as there are measures put in place to address surplus load of nitrate onto these catchments, water quality cannot sufficiently recover, particularly in those catchments with current heavy loads of nitrate as identified by the EPA. We need to rely on a tailored catchment-based approach to adequately address the nitrate pollution problem. The evidence base for the proposed measures should be

⁸⁶ Joint Committee on Agriculture, Food and the Marine, [Debate – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024

⁸⁷ Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 2.

provided, so that there is reasonable certainty that what the farmers are being asked to do will result in the necessary reductions. This is important from both a farmer's perspective and an environmental perspective.⁸⁸

DHLGH informed the Committee that it believes that the Nitrates Action Programme is fit for purpose in protecting Ireland's water quality, in that it provides a "a strong common baseline standard of environmental practice across the State".⁸⁹ However, DHLGH also acknowledged that:

While a "common standard of farming environmental practices" will provide a baseline level of protection on all farms in the State, assuming full compliance with the regulations, risk mapping by the EPA has identified risks at farm level which require more spatially targeted protection measures, which go beyond the regulatory standards. This targeted approach known as "the right measure, in the right place, at the right time" must be supported by supplemental measures.⁹⁰

The Local Authority Water Programme ("LAWPRO") also informed the Committee that it believes that supplementary measures, outside of those contained within the Nitrates Action Programme, will be required to improve water quality. In this regard, LAWPRO stated the following:

A one size fits all solution will not deliver for water quality. Farming activities are different across the country, but the key element is that the land and landscape are different. Some soils are more prone to phosphorous issues; others to nitrogen; and yet others to both.

⁸⁸ An Taisce, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 21 February 2024, pp. 4-5.

⁸⁹ The Department of Housing, Local Government and Heritage, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 20 March 2024, p. 2.

⁹⁰ The Department of Housing, Local Government and Heritage, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 20 March 2024, p. 2.

Different solutions are required in these different areas and in some areas will need to go beyond what is in the current NAP.

Widespread implementation of supplementary measures following targeted scientific advice and funded through agri-environmental initiatives will be required to deliver the level of water quality improvements required.⁹¹

⁹¹ The Local Authority Water Programme (LAWPRO), [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 20 March 2024, p. 5.

7. Are there additional supports required to ensure that farmers can be compliant with the Nitrates Action Programme?

The Committee heard suggestions from various stakeholders as to which additional supports should be provided to ensure that farmers can be compliant with Nitrates Action Programme. These suggestions generally related to two issues: slurry storage and additional support for advisory services for farmers.

7.1. Slurry Storage

The ICMSA⁹², the IFA⁹³, the ACA⁹⁴, ICOS⁹⁵, the ICSA⁹⁶, and Teagasc⁹⁷, all indicated to the Committee that supports for additional slurry storage should be made available to farmers.

In this regard, the additional supports which are required, in the view of the stakeholders listed above, is summarised by the ICMSA, as follows:

- *Many farmers want to invest in slurry storage but their investment is being delayed by the planning system. The planning system needs to address these delays and ensure decisions are taken with the statutory timeframes. A planning exemption subject to certain conditions should be considered where a farmer is adding slurry storage to an existing farmyard.*

⁹² The Irish Creamery Milk Suppliers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, pp. 6-7.

⁹³ The Irish Farmers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 4.

⁹⁴ The Agricultural Consultants Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 2.

⁹⁵ Irish Cooperative Organisation Society, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 5.

⁹⁶ Irish Cattle and Sheep Farmers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 3.

⁹⁷ Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 2.

- *The Minister for Agriculture, Food & Marine introduced a 70% grant under Budget 2024 for slurry storage for farmers importing slurry. ICMSA is proposing that the 70% grant should be extended to all farmers.*
- *Under TAMS, ICMSA is proposing that slurry storage investments should take priority and should be approved within two months of the tranche closing date with a tranche every three months. In addition, the TAMS Reference Costs need to be updated to reflect the actual cost of construction. Under the current TAMS rules, where a farmer has less than the legally required slurry storage, he/she is ineligible for a TAMS grant for slurry storage or soiled water. ICMSA is proposing that if a farmer is below the legal requirement and wishes to bring his/her slurry facilities up to 20 weeks for example, he/she would be required to pay the full cost up to the legal limit and would get grant aid thereafter. For example, if a farmer has 15 weeks storage in Zone A (16 weeks), he/she would pay for one weeks' storage and would get grant aid on the additional four weeks. Finally, the proposed €90,000 separate investment ceiling for slurry storage should be implemented immediately.*
- *For un-registered VAT farmers, any equipment that has a positive impact on water quality and other environmental indicators, the VAT should be eligible to be reclaimed.⁹⁸*

The Committee understands that the above-listed recommendations emanate from meetings of DAFM's Agriculture Water Quality Working Group, of which each of the stakeholders referred to is a member.⁹⁹

⁹⁸ The Irish Creamery Milk Suppliers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, pp. 6-7.

⁹⁹ The Department of Agriculture, Food and the Marine, [Press Release: Agriculture Water Quality Working Group meets](#), 06 June 2023.

7.2. Additional Support for the Agricultural Sustainability Support and Advisory Programme (“ASSAP”)

The ICMSA informed the Committee that the ASSAP model of engagement is working, in that it involves communicating effectively with farmers and is delivering results. The ICMSA indicated to the Committee that it is “firmly of the view that the ASSAP model should be resourced and extended to other vulnerable catchments.”¹⁰⁰

ICOS indicated to the Committee it is a strong advocate of ASSAP. In this regard, ICOS stated the following to the Committee:

*Co-ops have supported the extension and expansion of the ASSAP Programme. The industry commitment to the programme has trebled in recent years. There are now 42 dedicated ASSAP advisors, of which 23 are employed by Dairy Co-ops. The EPA data has shown a net improvement in water quality across the priority areas for action (PAAs), where ASSAP teams are located. This shows that a voluntary scheme, designed and implemented in partnership with farmers, can and does work.*¹⁰¹

Teagasc also outlined to the Committee its desire for “increased professional support to identify issues on farms and to design solutions, such as the ASSAP (Agricultural Sustainability Support and Advisory Programme).”¹⁰²

¹⁰⁰ The Irish Creamery Milk Suppliers’ Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 8.

¹⁰¹ Irish Cooperative Organisation Society, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 6.

¹⁰² Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 2.

8. Are there additional resources required to ensure the measures required by the Nitrates Action Programme are adequately enforced?

The Committee heard from various stakeholders in respect of the additional resources that may be required to ensure that the measures required by the Nitrates Action Programme are adequately enforced.

8.1. Adequate Resources for Inspections

An Taisce indicated to the Committee that it believes that additional inspections need to be carried out by the relevant local authorities. According to An Taisce:

There were just under 1,000 local authority farm inspections carried out during 2022. There were roughly 10 full-time equivalent persons throughout the whole country who were dedicated to agricultural inspections, which is a very low number. We understand that 21 additional staff are currently being recruited by Local Authorities around the country, but note that it was previously stated that 57 additional staff are required to deliver the target of over 4,000 agricultural inspections per year, and for follow-up enforcement. This number needs to be rapidly ramped up, with rigorous training and support under the auspices of the National Agricultural Inspection Programme (NAIP).¹⁰³

In this regard, DHLGH informed the Committee that the requisite resources are being provided by DHLGH to ensure the measures required by the Nitrates Action Programme are adequately enforced. According to DHLGH:

In 2022, the CCMA identified that an additional 57 staff were required to undertake local authority agricultural inspections. In 2023 and 2024,

¹⁰³ An Taisce, [Submission – Compliance with the Nitrates Directive: Implications for Ireland](#), 21 February 2024, p. 5.

the Department has allocated funding for these 57 agricultural inspectors, in addition to the 11 staff already in place. The Department also allocated funding to the EPA for 5 staff to establish and provide oversight to the local Authority National Agricultural Inspections Programme, and 4 staff in LAWPRO to provide assistance for inspection co-ordination and to support training of staff. In 2024, the local authorities are scheduled to undertake inspections on at least 3,300 farms, increasing to 4,500 farms in 2025.¹⁰⁴

The EPA confirmed the points made by DHLHG in this regard: and stated the following:

For 2024 and 2025 the EPA has allocated specific numbers of inspections to be completed by each Local Authority, using a risk-based methodology, which ensures that inspections are focussed in areas where water bodies are significantly impacted by agriculture. These clear inspection targets will better enable the EPA to hold Local Authorities to account should they fail to meet their obligations. The NAIP will increase the number of inspections carried out each year with the aim of completing 4,500 farm inspections by 2025.¹⁰⁵

The ICMSA indicated to the Committee that it believes that adequate resources are in place in relation to the enforcement of the measures in the Nitrates Action Programme. In support of this, the ICMSA stated:

Under the current regulations, farmers are subject to inspection by the Department of Agriculture, Food & Marine and the local authorities. The Department of Agriculture, Food & Marine carry out over 1,300

¹⁰⁴ The Department of Housing, Local Government and Heritage, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 20 March 2024, p. 3.

¹⁰⁵ Environmental Protection Agency, [Opening Statement - Compliance with the Nitrates Directive: Implications for Ireland](#), 10 July 2024, p. 5.

inspections annually under the BISS scheme and a further 500 inspections on behalf of local authorities who also carry out their own inspections. In addition, 10% of derogation farmers are inspected annually while the Department also inspects 5% of ACRES participants annually (2,500 inspections) and also inspects between 5-20% of TAMS applicants annually. It should also be noted that all dairy farmers are inspected every 18 months under the Bord Bia SDAS scheme and over 60,000 beef farms are inspected under the Bord Bia SBLAS scheme every 18 months.¹⁰⁶

8.2. Harmonisation of Regulations for the Purposes of Inspections by Local Authorities and the Department of Agriculture, Food and the Marine

The ACA outlined to the Committee that it has concerns about the higher number of inspections which are scheduled for derogation farmers. In this regard, the ACA informed the Committee that it “is critical that inspectors from the Department of Agriculture and the Local Authority are consistent in their approach and that breaches of regulations are fair and just. A clear schedule of penalties must be applied, as currently they lack clarity and are not proportional to the breaches.”¹⁰⁷

The IFA concurred with the ACA and informed the Committee that “there is a need for the application of the Regulations to be harmonised across the Local Authorities and DAFM”.¹⁰⁸

8.3. Communication with Farmers

The ICMSA informed the Committee that it believes that investment is required in terms of engagement and communication with farmers. In support of this, the ICMSA

¹⁰⁶ The Irish Creamery Milk Suppliers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 8.

¹⁰⁷ The Agricultural Consultants Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 28 February 2024, p. 3.

¹⁰⁸ The Irish Farmers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 5.

stated that “the announcement of the 220kgs of N was totally unacceptable giving farmers no time to address their individual farm issues. A proper communications strategy is required so that farmers are fully informed of any changes well in advance of their implementation.”¹⁰⁹

Macra na Feirme agreed that greater communication with farmers is required. Macra na Feirme stated the following in this regard:

There needs to be greater communication and clarity for farmers on the targets of nitrates directive, and what it is aiming to achieve. This is not a stand-alone document and the fundamental connections between EU policies on various aspects of water related issues (e.g. Urban Waste Water Management) need greater communication to the farming community. In addition, there is need for greater communication on how water management policy crosslinks with nature protection and conservation and the implications at farm scale, and especially in terms of nitrates derogation. Moreover, and in particular, the role of the Nitrates Directive in supporting the delivery of the water framework directive (Directive 2000/60/EC, WFD) which provides an overarching framework for water management merits greater attention and communication.¹¹⁰

¹⁰⁹ The Irish Creamery Milk Suppliers' Association, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 9.

¹¹⁰ Macra na Feirme, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 14 February 2024, p. 2.

9. Conclusions and Recommendations

9.1. Conclusions

The Committee strongly believes that the Nitrates Derogation should be maintained at its current level, as it is clear from the evidence provided to the Committee that economic and social implications which would arise from a further decrease to the Nitrates Derogation would be catastrophic for the dairy industry, the wider agriculture sector, and the Irish economy.

However, the Committee also accepts the evidence provided to the Committee by the EPA, which indicates that in recent times, there has been no change in the biological quality of our rivers and lakes and that the improvements regarding nitrates in some areas are being offset by declines in other areas.¹¹¹

The Committee notes that, for the purposes of the Water Framework Directive, “the overall water quality in Ireland is relatively good when compared to other EU countries,” in that “over half (54%) of surface water bodies have satisfactory (good or high) ecological status.”¹¹²

The Committee believes that much of the evidence provided by stakeholders indicates that Ireland can maintain its current Nitrates Derogation, while also ensuring that there are improvements to Ireland’s water quality. In this regard, the Committee notes that, as recently as April 2022, the European Commission, in granting a renewal of Ireland’s Nitrates Derogation, stated that it “considers that the amount of manure proposed by Ireland, corresponding to 250 kg nitrogen/ha per year, will not prejudice the achievement of the objectives set out in Directive 91/676/EEC, subject to certain strict conditions that should apply to farmers covered by authorisation”.¹¹³

¹¹¹ Environmental Protection Agency, [Opening Statement - Compliance with the Nitrates Directive: Implications for Ireland](#), 10 July 2024, p. 3.

¹¹² Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 2.

¹¹³ [Commission Implementing Decision \(EU\) 2022/696](#), 29 April 2022, (16).

The Committee also notes the objective criteria which are were used to justify granting and renewing Ireland Nitrates Derogation, such as long growing seasons and crops with high nitrogen uptake, are still present in Ireland's grass-based system, and so "the fundamental basis underpinning Ireland's justification for a derogation remains in place."¹¹⁴

It is evident to the Committee that the Nitrates Action Programme requires some alterations and additional measures to ensure that it will achieve its objectives.

Furthermore, it is clear the measures that are currently in place, and any prospective measures, regarding reducing water pollution caused by nitrates from agricultural sources, need to be adequately enforced in a fair and transparent manner.

The Committee's recommendations can be found below.

¹¹⁴ Teagasc, [Opening Statement – Compliance with the Nitrates Directive: Implications for Ireland](#), 06 March 2024, p. 2.

9.2. Recommendations

1. The Committee recommends that the Government should establish an inter-departmental taskforce, chaired by the Department of the Taoiseach, to properly assess the economic and social implications of a further reduction to the Nitrates Derogation. The taskforce should also include representatives from the Department of Agriculture, Food and the Marine, the Department of Housing, Local Government and Heritage, the Department of Enterprise, Trade and Employment, the Department of Rural and Community Development, and relevant state agencies.
2. The Committee recommends that there should be a move from the present principal elements of Ireland's Nitrates Action Programme towards a tailored catchment-based approach.
3. The Committee recommends that the Government should ensure that the Agricultural Sustainability Support and Advisory Programme is adequately supported and resourced, as it is evident that when support and advice of this nature is provided to farmers, positive results will follow.
4. The Committee notes that there are approximately 137,000 farmers in Ireland, of which approximately 43,000 receive advice from Teagasc, approximately 55,000 receive advice from private consultants and advisers, and approximately 30,000 do not receive support from an adviser. The Committee recommends that additional funding and support should be made available to agricultural consultants and advisers, where relevant in the context of the Nitrates Directive, and regardless of whether they are state-funded or privately funded, to ensure that all farmers are being adequately supported in terms of advice.
5. The Committee acknowledges that there are lag times inherent in the system in terms of demonstrating decreases in nutrient concentration in our water

bodies. On this basis, the Committee recommends that research should be undertaken by the Government which would illustrate estimated lag times in the context of nitrates reduction measures, which can be used during negotiations for the renewal of Ireland's Nitrates Derogation. Furthermore, the Committee notes that a total of 39 additional measures were transposed into Statutory Instruments relating to the Nitrates Action Programme since 2020, and the fact that these measures will take time to show results should be strongly emphasised during future negotiations on the renewal of Ireland's Nitrates Derogation.

6. The Committee notes that there appears to be an information gap in the measures that are being undertaken at farm level and the corresponding results in the water environment. On this basis, the Committee recommends that resources currently provided to Teagasc to undertake research and knowledge transfer in this regard through the Agricultural Catchments Programme be complemented with permanent posts and employment terms. Currently, the temporary nature of staffing in this programme is preventing it from delivering fully, due to excessive staff vacancies and turnover, resulting in the loss of knowledge and breaks in established relationships.
7. The Committee recommends that the seventy per cent grant for farmers who import slurry, announced in Budget 2024, should be extended to all farmers. Furthermore, the Committee recommends that the Government should examine the use of the Infrastructure, Climate and Nature Fund, also announced in Budget 2024, to provide the necessary funding for a national slurry storage project, in the context of climate adaptation.
8. The Committee recommends that the Government should endeavour to ensure that any delays in the planning system that are preventing farmers from

establishing slurry storage facilities should be addressed as a matter of urgency.

9. The Committee recommends that where it can be demonstrated that equipment purchased by a farmer will have positive impacts in relation to water quality and other environmental indicators, the VAT should be eligible to be reclaimed.
10. The Committee recommends that annual training for all farmers, with a specific focus on improving water quality, should be introduced and should be funded by the Government. Furthermore, farmers should be incentivised by the Government to participate in such training. The Committee envisages that this training would be akin to the training courses provided in the context of the Agri-Climate Rural Environment Scheme (“ACRES”).
11. The Committee recommends that the Government should prepare a science-based document, similar to the Marginal Abatement Cost Curve (“MACC”) in the context of the reduction of Greenhouse Gas Emissions in agriculture, in advance of the next negotiations for the renewal of Ireland’s Nitrates Derogation, in order to inform those negotiations.
12. The Committee recommends that a clear communications campaign on the part of the Government in the context of the Nitrates Directive should be commenced as a matter of urgency. The communications campaign should, at a minimum: provide clear details of the targets of the Nitrates and Water Framework Directives, provide clear messaging to farmers as to measures which can be undertaken to improve water quality at farm-level, provide clear details as to how measures that are being undertaken by farmers are supporting the protection of nature and the environment, and provide ample advance notice of any proposed changes to Ireland’s Nitrates Derogation. In this regard, the Committee notes that farmers were greatly dissatisfied with the communications relating to the recent reduction to Ireland’s Nitrates Derogation.

13. The Committee recommends that adequate resources be made available to the National Agricultural Inspections Programme, to ensure that the targets of undertaking 3,500 farm inspections in 2024 and 4,500 farm inspections in 2025 in this regard are achieved. The Committee notes that of the proposed 57 additional personnel that are required to ensure that these targets are achieved, only 27 of the relevant positions have been filled, to date. The Committee believes that these posts need to be filled as a matter of urgency if these targets are to be achieved.
14. The Committee recommends that regulations relating to inspections in the context of the National Agricultural Inspections Programme need to be harmonised, in order to ensure that the relevant inspecting parties are consistent in their approach and that breaches of the regulations are dealt with fairly and in accordance with the Farmers' Charter of Rights.
15. The Committee recommends that supports should be put in place to ensure that all farmers can ensure that their cattle are restricted from entering water bodies, where possible. Furthermore, the Committee recommends that additional supports should be put in place to ensure that appropriate buffer zones exist between grazing land and water bodies, and to ensure that drinkers are placed in suitable areas, away from water bodies, where possible.
16. The Committee recommends that the Government should develop a direct policy on food security, taking into account geopolitical changes, global climate changes, and the important role that Ireland will play in food production, both domestically and abroad, from now and into the future.
17. The Committee recommends an increase in the frequency of reporting of water quality test results by the Environmental Protection Agency, to be delivered

monthly, which will provide more real time results for farmers and the general public.

18. In consideration of the evidence provided to the Committee, it is the Committee's understanding that it is difficult to differentiate between phosphorus originating from humans and animals as regards the trophic status of Ireland's water bodies. In this regard, the Committee is concerned that Ireland's wastewater treatment plants are not adequately resourced. Furthermore, the Committee understands that forestry is the third most significant pressure on water quality in Ireland. Considering these points, the Committee believes that unsatisfactory phosphorus concentrations are often being unfairly primarily attributed to agricultural activity. On this basis, the Committee recommends that: (i) adequate resources be made available to Uisce Éireann to upgrade Ireland's wastewater treatment plants, and (ii) further research be undertaken as regards the link between elevated levels of afforestation and increased phosphorus concentrations in water bodies, particularly in the context of the Government's annual afforestation target of an additional 8,000 hectares, between now and 2050.

19. The Committee notes that the recent reduction to Ireland's Nitrates Derogation adversely affected areas where phosphorus concentration levels in water bodies are an issue, rather than nitrogen concentration levels. On this basis, the Committee recommends that the Government, and its relevant agencies, should provide clear clarification as to why some areas are now designated as being subject to the revised stocking rate, resulting from the reduction to Ireland's Nitrates Derogation, despite the data showing that phosphorus is the significant issue in those areas, rather than nitrogen.

Appendix 1 – List of Public Engagements with Stakeholders

Organisation	Witnesses	Date of appearance
The Irish Farmers' Association (the "IFA")	Mr. Francie Gorman, President Mr. John Murphy, Environment and Rural Affairs Chair Mr. Tadhg Buckley, Director of Policy	14 February 2024
The Irish Creamery Milk Suppliers Association (the "ICMSA")	Mr. Dennis Drennan, President Mr. Eamon Carroll, Deputy President Mr. John Enright, General Secretary	14 February 2024
Macra na Feirme	Dr. Maria Snell, Senior Research and Policy Executive Ms. Elaine Houlihan, National President Dr. Liam Hanrahan, Agriculture Affairs Committee Chair	14 February 2024
An Taisce	Dr. Elaine McGoff, Head of Advocacy Mr. Ian Lumley, Heritage Officer Professor John Sweeney, Professor Emeritus Maynooth University and member of An Taisce's Climate Committee	21 February 2024
Birdwatch Ireland	Ms. Oonagh Duggan, Head of Advocacy Mr. Paul Moore, Member of Birdwatch Ireland/Tillage and Beef Farmer	21 February 2024
Coastwatch	Ms. Bernie Connolly, Regional Coordinator Ms. Karin Dubsky, Director	21 February 2024
Agricultural Consultants Association (the "ACA")	Mr. Breian Carroll, General Secretary Mr. Noel Feeney, President	28 February 2024

	Mr. Tom Canning, National Council	
Irish Cattle and Sheep Farmers' Association (the "ICSA")	Mr. Dan Lynam, ICSA Representative on the Agricultural Sustainability Support and Advisory Programme Mr. Eddie Punch, General Secretary Mr. Sean McNamara, President	28 February 2024
Irish Co-Operative Organisation Society ("ICOS")	Mr. Eamonn Farrell, Dairy Policy Executive Mr. Edward Carr, President Mr. Niall Matthews, Dairy Committee Chairman	28 February 2024
The Department of Agriculture, Food and the Marine ("DAFM")	Mr. Bill Callanan, Chief Inspector Dr. Leanne Roche, Agricultural Inspector Nitrates Division Mr. Ted Massey, Senior Inspector Nitrates Division	06 March 2024
Teagasc	Professor Frank O'Mara, Director Professor Pat Dillon, Director of Research Dr. Stan Lalor, Director of Knowledge Transfer	06 March 2024
The Department of Housing, Local Government and Heritage ("DHLGH")	Dr. Colin Byrne, Principal Adviser, Water Mr. Fintan Towey, Assistant Secretary, Water Division Dr. Marie Archbold, Water Policy Adviser	20 March 2024
Inland Fisheries Ireland ("IFI")	Mr. Barry Fox, Head of Operations Mr. Brian Beckett, Director of Sustainability and Climate Action Dr. Fiona Kelly, Senior Research Officer	20 March 2024

Local Authority Waters Programme (“LAWPRO”)	Mr. Anthony Coleman, Director of Services Ms. Margaret Keegan, Regional Coordinator, Midlands and East Ms. Ruth Hennessy, Catchments Manager, South East Region	20 March 2024
Uisce Éireann	Ms. Lorraine Gaston, Asset Strategy Technical Lead Mr. Niall Horgan, Wastewater Compliance Senior Manager	20 March 2024
Dairy Industry Ireland (“DII”) - IBEC	Mr. Conor Mulvihill, Director Mr. Dale Crammond, Director, Meat Industry Ireland Mr. Pat Sheahan, Chair Dr. Sean McCarthy, Sustainability and Services Manager, Kerry Agribusiness Mr. Thomas Ryan, Senior Sustainability Manager, Tirlán	29 May 2024
Environmental Protection Agency (“EPA”)	Dr. Eimear Cotter, Director, Office of Evidence and Assessment Dr. Jenny Deakin, Senior Scientist, Office of Evidence and Assessment Ms. Mary Gurrie, Programme Manager, Office of Evidence and Assessment Mr. Patrick Byrne, Programme Manager, Office of Environmental Enforcement	10 July 2024

Appendix 2 – Terms of Reference

Functions of the Committee – derived from Standing Orders [DSO 95; SSO 71]

- (1) The Select Committee shall consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to —
 - (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) The Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Dáil.
- (3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) The Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—
 - (a) the Committee Stage of a Bill,

- (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.
- (8) Where the Select Committee proposes to consider—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,
- the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:
- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) The Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and

- (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 94; SSO 70]

- (1) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1)1; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

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